

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**UNITED STATES**

**v.**

**DONALD MARCELL RIVERS, JR.,**

**Defendant**

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**Case No. DKC-18-066**

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**MOTION TO ADOPT MOTIONS OF OTHER DEFENDANTS AND FOR LEAVE TO  
AMEND, SUPPLEMENT, WITHDRAW OR FILE ADDITIONAL MOTIONS**

Donald Rivers, Jr., the Defendant, by and through his attorney, Katherine Tang Newberger, Office of the Federal Public Defender, moves to adopt the motions filed by the other defendants in this case and respectfully moves this Honorable Court for leave to amend, supplement, withdraw or file additional motions, and in support of his Motion states:

**PROCEDURAL AND FACTUAL HISTORY**

1. Mr. Rivers, along with Timothy Michael McLain and Ashley Nicole Collier, is charged in counts 1 through 3 of the superseding indictment with conspiracy to interfere with commerce by robbery, in violation of 18 U.S.C. § 1951(a); armed bank robbery, in violation of 18 U.S.C. § 2113(a); and brandishing a firearm during the bank robbery, in violation of 18 U.S.C. § 924(c). All three charges arise from the robbery of a BB&T Bank on January 9, 2018. Count 4 alleges that on January 9, 2018, Mr. Rivers and Ms. Collier possessed a loaded firearm after having been convicted of committing a crime punishable by more than one year incarceration, in violation of 18 U.S.C. § 922(g)(1). Count 5 charges Mr. Rivers alone with possessing ammunition on November 6, 2017, in violation of 18 U.S.C. § 922(g)(1).

2. Today, by the deadline for filing pretrial motions, the Mr. Rivers filed a motion to sever defendants (ECF No. 40), a motion to sever counts (ECF No. 41), and a motion to bar the Government from using at sentencing evidence seized illegally on August 29, 2017 (ECF No. 42).

3. At least one codefendant has filed motions raising different grounds for relief.

4. From conversations with Government counsel, it appears the investigation of this case is ongoing and counsel anticipates the disclosure of additional information through the discovery process.

5. Accordingly, undersigned counsel respectfully requests leave to file any additional motions that may prove appropriate to the content of any information received by the Government or discovered by the defense, whether or not such motion is mandatory under Rule 12 of the Federal Rules of Criminal Procedure.

6. In addition, Mr. Rivers requests leave to withdraw, supplement or amend any motion, prior to any ruling by the Court.

### **CONCLUSION**

**WHEREFORE**, Mr. Rivers requests that this Honorable Court allow him to amend, supplement, withdraw or file additional motions as necessary.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record.

\_\_\_\_\_/s/\_\_\_\_\_  
Katherine Tang Newberger, #27803  
Senior Litigation Counsel